

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ZENAIDA N. JACKSON,

Plaintiff,

V.

DR. JAMES FERERRETTI,

Defendant.

Civil Action No. 08-5702 (JAG)

ORDER

CLOSED

GREENAWAY, JR., U.S.D.J.

This matter comes before this Court on the application to proceed in forma pauperis filed by pro se plaintiff Zenaída Jackson (“Plaintiff”). Having reviewed Plaintiff’s application and the attached complaint, this Court will grant Plaintiff’s application to proceed in forma pauperis, pursuant to 28 U.S.C. § 1915, ask the Clerk to file the complaint, and dismiss the complaint for lack of subject matter jurisdiction, pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

Plaintiff states in her complaint that on July 26, 2005, she visited the office of the defendant, a psychiatrist. She alleges that she “was assaulted and slandered and called all types of vicious names” by the Defendant.

This Court has an independent obligation to satisfy itself that it has subject matter jurisdiction. See FED. R. CIV. P. 12(h)(3). Having reviewed Plaintiff’s submission, this Court concludes that it lacks subject matter jurisdiction. Since both Plaintiff and the defendant are New

Jersey residents, the parties are not diverse and there is no jurisdiction, pursuant to 28 U.S.C. § 1332. The only remaining potential basis for subject matter jurisdiction is federal question jurisdiction, pursuant to 28 U.S.C. § 1331. However, Plaintiff makes no reference to any federal statute or any rights protected by the Constitution of the United States. As a result, this claim shall be dismissed, with prejudice.

Therefore,

IT IS, on this 22nd day of January, 2009,

ORDERED that the application to proceed in forma pauperis is GRANTED, pursuant to 28 U.S.C. § 1915; and it is further

ORDERED that the Clerk of the Court shall file the Complaint without prepayment of fees and security; and it is further

ORDERED that the complaint is DISMISSED, with prejudice, pursuant to FED. R. CIV. P. 12(h)(3) for lack of subject matter jurisdiction; and it is further

ORDERED that a copy of this Order be served on all parties within seven (7) days of the date of entry of this Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.